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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,966	12/19/2001	David Victor Sahagian	55564.10017	4847
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EXAMINER				
ROBERTSON, DAVID				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/024,966

Applicant(s)

SAHAGIAN, DAVID VICTOR

Examiner

Dave Robertson

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a Final office action in response to Applicant's reply of 11/21/2007.

Claims 1-9 are pending.

Response to Amendment

2. Applicant presents claims 1, 3, 5 and 6 as originally presented; amends claims 2 and 4; and adds claims 7-9.
3. Applicant amends claims 2 and 4 to indicate that the next step to be completed is based upon an indication of the completed step. New claims 7-9 combine elements previously presented in claims 1-6, and further (claims 8 and 9) add a *means for configuring the next step*... These amendments are addressed in the rejections to follow.

Response to Arguments

4. Applicant's arguments filed 11/21/2007 have been fully considered but they are not persuasive:
5. Applicant argues Johnson et al. (US Pat. No. 6,067,525 "Integrated computerized sales force automation system," issued May, 2000) cannot anticipate the claimed invention under 35 USC 102(b) because Johnson fails to teach "a system with various methods for indicating completion of steps" as recited in Applicant's claim 1 (see Remarks, pages 6).

In support, Applicant argues Johnson teaches merely a sales force process with pre-determined steps (admittedly with deviations including the ability to skip steps), and therefore cannot teach a sales process that can be "customized in an arbitrary manner" with "configurable paths in the sales process" and steps which can be "reconfigured to occur in an arbitrary sequence." (See Remarks, page 7)

Applicant argues that the present invention "is concerned with a process that has next steps that are configurable and that automatically impact the deal path through the process, and further that *"a sale is not a deal"* according to the definition by the present invention, which defines "deal as a data entity that moves through a process and can continue without interruption as the process changes."

Examiner respectfully disagrees on all counts above:

In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. arbitrary customization/reconfiguration of process steps to an arbitrary sequence/ordering to a "novel path") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, during patent examination, claims must be "given their broadest reasonable interpretation consistent with the specification." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). The balance of Applicant's arguments in this respect (Remarks, pages 8-13) simply do not address aspects of the

invention which can be read into the claims, and therefore are moot with respect to the claims as currently presented.

In response to Applicant's argument that a sale is not a deal, a broadest reasonable interpretation by one of ordinary skill in the art of sales would understand in the common vernacular that making a sale is a process of reaching a "deal" between a seller and a buyer. Still, even by Applicant's own narrow definition, Johnson expressly teaches an automated software system in which a data entity (the sale) moves through a process and continues without interruption as the process changes. Johnson teaches a sales process that both provides a sales process management system configured for performing an process of integrated sales activities, which continue without interruption as the sales opportunity is worked on by the various actions in the sales process.

6. Applicant argues Johnson et al. in view of De Fransesco (US Pat. No. 6,505,176) cannot render the claimed invention as recited in claim 4 obvious under 35 USC 103(b) because Johnson fails to teach "a system with various methods for indicating completion of steps" as recited in Applicant's claim 1 (see Remarks, pages 6), and further because the present invention meets and long-felt but unsolved need (Remarks, page 14), and because Johnson "teaches against the robust pathing" as noted by De Fransesco, Johnson cannot be combined with De Francesco to teach (the asserted missing element of "means for indicating the next step to be completed based upon the removal of the indication of a completed step." (Remarks, pages 16-17).

Examiner respectfully disagrees:

In response to Johnson's failing to each "a system with various methods for indicating completion of steps" and "robust pathing", this argument is addressed herein above. Similarly, in response to the argument of nonobviousness over long-felt need, Applicant provides no support, other than an assertion of long-felt need and that Johnson appears to be an expression of the need for a sales process system having the feature of arbitrary customization/reconfiguration of process steps to an arbitrary sequence/ordering. However, as explained above, these aspects of the present invention are not claimed. In general, Applicant asserts advantages of the present invention over Johnson that may well improve on Johnson and the prior art as whole, however, Applicant reads limitations into the claims which are not presented.

7. Accordingly, the grounds of rejection over claims presented in the prior office action are maintained, updated for the amendments and new claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (US Pat. 6,067,525).

Johnson discloses automated sales force methods and a system for comprehensively managing the sales process or sales persons and sales organizations.

Specifically, with respect to the claims presented in the instant application:

Claim 1

Johnson teaches a system for managing sales processes including information regarding at least one process (column 3 from line 60 through column 4, components of the tool supporting numerous sales processes with data component for core process components); information regarding a plurality of steps having a sequential order (from column 4: major core processes generally in sequential order “lead generation”, “time with customer...”); information regarding at least one result (column 4 from line 60: “generating revenue by committing a customer to a sale”, a result e.g.); creating at least one deal (the sale) and indicating completion of steps associated with at least one process (column 5 from line 32: order management process, order entry indicates completion of “time spent with customer” process); and indicating a next step to be completed based upon a completion of steps (column 6 from line 26: the support

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component assisting sales personnel with carrying out tasks; from line 42: creating a "todo list"; column 8 from line 34: an event manager initiating other actions or operations based on events or results to processes).

Claim 2

Johnson teaches indicating completion of steps associated with at least one process (column 5 from line 32: order management process, order entry indicates completion of "time spent with customer" process) and means for determining the next step based on the indicated result (column 8 from line 34: an event manager initiating other actions or operations based on events or results to processes).

Claim 3

Johnson teaches a system for managing sales processes (column 3 from line 60 through column 4, components of the tool supporting numerous sales processes with data component for core process components, processes generally accepted as sequential in the art but not so limited) where the next steps may be any step in the sequential order of the plurality of steps (column 6 from line 26: the support component assisting sales personnel with carrying out tasks; from line 42: creating a "todo list"; and column 21 from line 1: objective management component providing process steps in structured sales process including customized or inserted (changed) additional steps, with no limitation on the order of tasks performed or order of steps).

Claim 5

Johnson teaches storing information regarding the completion of process steps (column 23 from line 30: stores data as process steps are performed/completed).

Claim 6

Johnson teaches means for changing information regarding at least one of a plurality of steps and ensuring that each process with a changed at least on of the steps is complete (column 20 from line 20: self-management component; column 20 from line 49: time-management component; column 21 from line 1: objective management component providing process steps in structured sales process including customized or inserted (changed) additional steps, objective management expressly for ensuring sales agent performs at least critical information gathering steps).

Claim 7 combines limitations from claims 1 and 2, and is similarly rejected for reasons given above for the respective claim elements.

Claim 8

Johnson teaches *means for configuring the next step to be completed* (see at least: column 2, lines 29-35; column 2, lines 50-55; column 6, lines 40-45; column 7, lines 43-58; and column 8, lines 34-44; column 18, lines 37-55; and esp. column 21, lines 13-28, column 26, lines 9-19, and column 29 from line 21: collectively, in these citations Johnson teaches an event manager configurable to initiate the *next step to be completed* based on the completion of a step indicated--completion of a step in one component triggers the event manager to initiate the next step to be completed based on the completed step, and in a second aspect of *configurability*, Johnson's "objective management module allows the sales person to assign a process (i.e. a series of steps) to a given sales objective...a structured sales process...which may be uniquely developed [configured] for each type of sales opportunity" (column 21 from line 1).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US Pat. 6,067,525) as applied to claim 1 above, and further in view of De Francesco et al (US Pat. 6,505,176).

DeFrancesco teaches in the art of workflow management, specifically, to the managing and initiating workflow steps in the event of changes to task status.

Claim 4

Johnson teaches indicating completion of steps associated with at least one process (column 5 from line 32: order management process, order entry indicates completion of "time spent with customer" process); however, Johnson does not expressly teach *removing an indication that a step has been completed and indicating a next step based on the indication*.

However, Johnson expressly teaches a salesforce system in which "time with customer" may result in a *change order* (column 5 from line 49; column 6, line 49) after having processed "order management". A change order is effectively a cancellation of a previous order and entry of a new (changed) order, or, as well known in the art, a cancellation of an order altogether (see also column 18 from line 17). Johnson further teaches an "event management component" responsive to events in the system (such

as change orders) and that Johnson's system supports team selling, workgroups , and *workflow environments*.

It is old and well known within the art of workflow environments to maintain status of tasks and respond accordingly to changes in status with express or implied indications of *next steps*, including changes in status of tasks from *completed* to another status. DeFrancesco teaches (Figure 4 and related discussion) the status of tasks in a workflow system including *completed* status, and further teaches responding to changes in workflow status with events which indicate next steps (see Figure 8 and related). In view of DeFrancesco (representative in the art of workflow), it would have been obvious to one of ordinary skill in the art at the time of the invention that in such a system of salesforce process tasks/workflow system such as Johnson, the "completion" of an order followed by the initiation of a *change order*, would have resulted in an indication that the order is cancelled or pending (no longer complete) pending the change order, the indication thereafter resulting in action by the sales person to update the order prior to further processing. This would have been known to result in greater customer satisfaction and better service to the customer resulting in increased future sales to the customer.

Claim 9 combines limitations from claims 1, 2, 4, and 8, and is similarly rejected for reasons given above for the respective claim elements.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 8:45am to 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/
Examiner, Art Unit 3623

/Romain Jeanty/
Primary Examiner, Art Unit 3623